

Analysis: An introduction to ethical concepts

Liberty

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Liberty, everyone agrees, is a good thing. The amount of personal liberty allowed to individuals is, perhaps, the principal standard by which we assess different political systems, and sometimes even such less extensive forms of social organization as churches and families. No politician, for example, would acknowledge it as his aim to diminish personal liberty, and many would claim that one effect of their policies is to increase it. And yet we tend to think that different political systems *do* differ, often considerably, in the amount of liberty each permits to those subject to its laws. But, while we might all agree that these differences exist, it is very unlikely that we would agree as to which systems allowed more, and which less, freedom to individuals.

The problem of ambiguity

A prime reason for this lack of agreement is that, as one writer has observed, the meaning of the word 'liberty' is so porous that historians of ideas have recorded over two hundred senses in which it has been used. While it is impossible in a brief space to examine each of these usages and their practical implications, it is not unfair to suggest that at least two of them are sufficiently central to, and illustrative of, the other variations as to warrant special attention. These two conceptions of liberty – sometimes called 'negative' and 'positive' – each encompass a range of possible meanings, and so I shall confine myself to examining what I take to be their essential attributes.

We would commonly say that we are *free* to perform an action, say, going to the cinema this evening, if there is no one who would prevent us from performing that action. That is, the absence of a humanly imposed (by others) obstruction to our going to the cinema is usually taken to be a sufficient condition of our being free to do it. But we might also say that we are *unfree* to go to the cinema this evening, perhaps because we have previously promised to help a friend decorate his flat. In this latter case there is no humanly imposed obstruction which would actually prevent us from going to the cinema and yet we often describe ourselves as being

unfree to do so in such circumstances. These two cases respectively exemplify the negative and positive conceptions of liberty. For the negative libertarian, you are unfree to do something only if someone would prevent your doing it. For the positive libertarian, you are unfree to do something if your doing it would be contrary to your interests or morally wrong (such as breaking a promise might be said to be). For the negative libertarian, any action of a kind which one is able to perform is an action which one is either free or unfree to perform. For the positive libertarian, to be either free or unfree to perform an action it must not only be an action of a kind which one is able to perform but also an action which is *desirable* (or, at least, not undesirable) to perform.

The consequences of ambiguity

The practical implications which flow out of these two conceptions are not hard to discern. Laws are enforced rules which thus compel us to act in certain ways and prevent us from acting in other ways. It follows that, for the negative libertarian, every law is necessarily a restriction of personal liberty. Political systems in which the state regulates individual behaviour to a lesser degree are systems in which personal liberty is greater. But for the positive libertarian, a law is not necessarily a restriction on personal liberty if it prevents people from acting contrary to their own interests or from performing morally wrong actions. Indeed, on this latter view, laws can often be said actually to increase the amount of personal liberty enjoyed by members of society by compelling them to act in ways which promote either their own interests or morally valuable objectives. These diametrically opposed viewpoints, concerning the relationship between law and liberty, are what underlie the previously mentioned disagreement over the extent to which differing political systems allow personal liberty to those subject to them.

An example

Consider the problem of what we should want to say concerning personal liberty, were the government to enact a law requiring compulsory fluoridation of municipal water supplies. (The recent enactment requiring the wearing of seat belts in automobiles is another such case.) Let us suppose that such fluoridation is believed to be absolutely effective in

preventing tooth decay and to produce no harmful side effects. Given that contracting tooth decay is neither morally desirable nor in anyone's interest, the positive libertarian would presumably wish to say that the compulsory fluoridation measure was no restriction on personal liberty but rather an extension of it. For the negative libertarian, however, the fact that the measure is a *compulsory* one, backed up, in the last resort, by police force, is sufficient reason to say that it diminishes the freedom of every individual. Note that the negative libertarian is *not* saying that compulsory fluoridation should be rejected: he is not making a value judgment. Rather he is pointing out that such a measure, desirable as it may well be, is nevertheless an encroachment on personal liberty. Whether we should prize liberty more greatly than good health is, for him, a separate question.

Two counter arguments

But for the positive libertarian these issues cannot be separated. For him, the value of the behaviour which a legal measure enforces and how that measure affects personal freedom are one and the same issue. If the legally compelled behaviour is desirable, if the legally prevented behaviour is undesirable, the laws do not diminish but rather increase personal liberty. It is on the basis of the positive conception that the familiar distinction, between *liberty* and *licence*, is drawn. The negative libertarian is taken to task for his claim that freedom is simply the absence of obstruction. This view is parodied in the well known epigram, 'rich and poor alike are free to sleep under the bridges of London', and it is suggested that the absurdity of this proposition is ample proof of the inadequacy of the negative conception of liberty.

On the other hand, negative libertarians are quick to retort that the positive conception raises certain notorious difficulties. For who is to say whether a certain kind of behaviour is desirable or undesirable? An essential feature of the political arena –

the sphere where laws are made – is usually said to be persistent interpersonal conflicts of interest and moral judgment. If we accept this view of politics, it follows that any legal measure taken by the state to enforce allegedly desirable behaviour necessarily has the further effect of *suppressing* behaviour which at least some other members of society consider desirable. To that extent they will see their personal liberty as being diminished, and are unlikely to be dissuaded from this view by claims to the effect that what the law enforces is morally right and/or in their interests. Such persons will be inclined to reject Rousseau's positive libertarian assertion that individuals 'can be forced to be free'.

Significance

The problem of the meaning of 'liberty' is centrally important to our understanding of society, and nowhere more so than in the area of health care. This is because we have long accepted *both* that individual freedom is a value not lightly to be forgone *and* that good health is an objective the worth of which is, perhaps, less disputed than any other single end. One interpretation of the concept of liberty suggests that whatever promotes the latter can never diminish the former. The other interpretation implies that circumstances can arise in which a difficult choice between the two may have to be made.

Further reading

- Berlin, I (1969). *Four Essays on Liberty*. Oxford University Press: Oxford.
- Cranston, M (1967). *Freedom: A New Analysis*. Longmans: London.
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- Adler, M J (1958). *The Idea of Freedom*. Doubleday and Company: New York.